



**MARICOPA COUNTY  
BOARD OF ADJUSTMENT**  
Board of Supervisors' Auditorium  
205 W. Jefferson Street  
Phoenix, Arizona



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**Agenda**  
**Wednesday, September 7, 2011**

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This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431).

All items on this agenda are for Board action unless otherwise noted. The Board may break for lunch at its discretion during this agenda. These items will be heard at the next available Board hearing if this hearing is cancelled or a quorum is lost.

Agendas are available within 24 hours of each meeting in the Maricopa County Planning & Development Office, 501 N. 44th St., 2nd Fl., Phoenix Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Auxiliary aids and services are available upon request to individuals with disabilities upon 72 hours advance notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. If you require accommodations in order to participate in any forthcoming meeting or hearing, please contact Susan Burgess at [susanburgess@mail.maricopa.gov](mailto:susanburgess@mail.maricopa.gov) or 602-506-2364. TDD is available at 602-506-7140.

The staff reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board of Adjustment meeting. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Every witness for a Variance, Interpretation or Temporary Use Permit shall fill out speaker's card and shall be limited to a maximum of 10 minutes. Rebuttal by the applicant shall be limited to a maximum of 5 minutes.

The Board of Adjustment is established, governed and limited by the provision of ARS §11-807. All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

Code Enforcement Review: Staff will present the appeal from the decision of a Hearing Officer to the Board. After any questions from the Board, the appellant will be permitted to present the basis for the appeal. On an appeal the Board is limited to affirming the decision of the hearing officer or remanding the matter due to a procedural error. Therefore, the presentation by the appellant should be limited to demonstrating a procedural error that warrants a remand for a new or supplemental hearing before the hearing officer.

Consent Agenda: Items listed on the Consent Agenda are considered routine by the Board of Adjustment and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and placed on the Regular Agenda for public hearing if a Board member or a citizen so desires.

Continuance Agenda: Items listed on the Continuance Agenda are items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time but shall be moved for continuance either indefinitely or to a date certain. Those items that are continued indefinitely will require new notification.

Regular Agenda: Items listed on the Regular Agenda are items that receive a full hearing. Staff will give a brief presentation and after question from the Board, the applicant will be permitted to present the merits of their case. The applicant's justification should demonstrate that owing to peculiar conditions relating to the subject property, a strict interpretation of the ordinance would work an unnecessary hardship, and that granting of the variance would not damage the intent and purpose of the zoning ordinance.

Standard Stipulations (All agenda items shall be subject to the following):

- 1) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.
- 2) General compliance with the site plan submitted with the application.
- 3) All required building permits for proposed and existing development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permit within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval, except for Appeals of Temporary Use Permits for temporary housing, which may allow two years to complete construction from date of approval.
- 4) All conditions set forth by the Board of Adjustment shall be complied with prior to the Department of Planning and Development finalizing any building permit or issuing a Certificate of Occupancy, whichever is applicable.

**Call To Order:** 9:30 a.m.

**Roll Call:** Board of Adjustment members

**Announcements:** The Chairman shall make the normal meeting announcements.

**Approval of Minutes:** July 13, 2011 and August 10, 2011

**Code Enforcement Review:** None

**Consent:**

None

**Regular Agenda:**

1.     **BA2011020**  
      **Applicant:** Patricia Brown  
      **Address:** 5638 E. Skinner Dr. (in the Cave Creek area)  
      **Zoning:** Rural-43  
      **Request:** Variance to permit an existing front yard setback of 0 feet where a minimum of 33 feet (patent easement) is required  
  
      **Recommendation:** **Approve** with stipulations  
      **Presented by:** Mark Wheaton
2.     **BA2011022**  
      **Applicant:** Timothy Blattner  
      **Address:** 27613 N. 158<sup>th</sup> Way (in the Rio Verde area)  
      **Zoning:** Rural-43  
      **Request:** Variance to permit a proposed front yard setback of 10 feet where a minimum of 40 feet is required  
  
      **Recommendation:** **Deny**  
      **Presented by:** Glenn Bak
3.     **TU2011013**  
      **Applicant:** Zachry Industrial, Inc. for SEP II, LLC  
      **Address:** 39903 W. Elliot Rd. (in the Tonopah area)  
      **Zoning:** Rural-190  
      **Request:** Temporary Use Permit for a temporary over-height warehouse  
      **Recommendation:** **Approve** with stipulations  
      **Presented by:** Rob Kuhfuss

**Adjournment:**

The Chairman shall adjourn the meeting.